

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -	X	
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UNITED STATES OF AMERICA	:	<u>FOURTH SUPERSEDING INDICTMENT</u>
	:	
- v. -	:	S4 19 Cr. 808 (VEC)
	:	
SYLVAIN GNALI GNAHORE, and	:	
FALIKOU KONE,	:	
	:	
Defendants.	:	
	:	
- - - - -	X	

COUNT ONE
(Conspiracy to Commit Wire Fraud and Bank Fraud)

The Grand Jury charges:

1. From at least in or about April 2018, up to and including at least in or about February 2020, in the Southern District of New York and elsewhere, SYLVAIN GNALI GNAHORE and FALIKOU KONE, the defendants, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit wire fraud, in violation of Title 18, United States Code, Section 1343, and bank fraud, in violation of Title 18, United States Code, Section 1344.

2. It was a part and object of the conspiracy that SYLVAIN GNALI GNAHORE and FALIKOU KONE, the defendants, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, did transmit and cause to be transmitted by means of wire, radio,

and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343.

3. It was further a part and object of the conspiracy that SYLVAIN GNALI GNAHORE and FALIKOU KONE, the defendants, and others known and unknown, willfully and knowingly, would and did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344.

(Title 18, United States Code, Section 1349.)

COUNT TWO
(Wire Fraud)

The Grand Jury further charges:

4. From at least in or about April 2018, up to and including at least in or about February 2020, in the Southern District of New York and elsewhere, SYLVAIN GNALI GNAHORE and FALIKOU KONE, the defendants, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent

pretenses, representations, and promises, did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, to wit, GNAHORE and KONE participated in a scheme to open accounts, fraudulently deposit stolen and manipulated checks into those accounts, and then use and withdraw funds from those accounts, causing wire communications to be sent.

(Title 18, United States Code, Sections 1343 and 2.)

COUNT THREE
(Bank Fraud)

The Grand Jury further charges:

5. From at least in or about April 2018, up to and including at least in or about February 2020, in the Southern District of New York and elsewhere, SYLVAIN GNALI GNAHORE and FALIKOU KONE, the defendants, willfully and knowingly, did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises, to wit, GNAHORE and KONE participated in a scheme to open accounts,

fraudulently deposit stolen and manipulated checks into those accounts, and then use and withdraw funds from those accounts.

(Title 18, United States Code, Sections 1344 and 2.)

COUNT FOUR
(Transportation of Stolen Motor Vehicles)

The Grand Jury further charges:

6. From at least in or about August 2020, up to and including at least in or about December 2020, in the Southern District of New York and elsewhere, FALIKOU KONE, the defendant, did transport in interstate and foreign commerce motor vehicles, knowing the same to have been stolen, to wit, KONE participated in a scheme to rent vehicles using fraudulent identity documents and, instead of returning the vehicles, transport them to another state for shipment to a foreign country.

(Title 18, United States Code, Sections 2312 and 2.)

COUNT FIVE
(Wire Fraud)

The Grand Jury further charges:

7. From at least in or about August 2020, up to and including at least in or about November 2020, in the Southern District of New York and elsewhere, FALIKOU KONE, the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, did transmit and cause to be

transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, to wit, KONE participated in a scheme to fraudulently apply for and obtain from the New York State Department of Labor unemployment benefits in the name of another person, causing wire communications to be sent.

(Title 18, United States Code, Sections 1343 and 2.)

COUNT SIX
(Aggravated Identity Theft)

The Grand Jury further charges:

8. From in or about August 2020, up to and including in or about November 2020, in the Southern District of New York and elsewhere, FALIKOU KONE, the defendant, knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, KONE used, and aided and abetted the use of, the name of another person during and in relation to the wire fraud offense charged in Count Five of this Superseding Indictment.

(Title 18, United States Code, Sections 1028A(a)(1) and (b),
and 2.)

FORFEITURE ALLEGATIONS

9. As a result of committing the wire fraud offenses alleged in Counts One and Two of this Superseding Indictment, SYLVAIN GNALI

GNAHORE, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

10. As a result of committing the wire fraud offenses alleged in Counts One, Two, and Five of this Superseding Indictment, FALIKOU KONE, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

11. As a result of committing the bank fraud offenses alleged in Counts One and Three of this Superseding Indictment, SYLVAIN GNALI GNAHORE and FALIKOU KONE, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A), any and all property constituting, or derived from, proceeds the defendants obtained directly or

indirectly, as a result of the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

12. As a result of committing the transportation of stolen motor vehicles offense alleged in Count Four of this Superseding Indictment, FALIKOU KONE, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(5), any and all property, real or personal, which represents or is traceable to the gross proceeds obtained, directly or indirectly, from the commission of said offense, including but not limited to a sum of money in United States currency representing the amount of gross proceeds traceable to the commission of said offense.

Substitute Asset Provision

13. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty;
it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described above.

(Title 18, United States Code, Sections 981 and 982;
Title 21, United States Code, Section 853;
Title 28, United States Code, Section 2461.)



FOREPERSON



AUDREY STRAUSS
United States Attorney

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Defendants.

FOURTH SUPERSEDING INDICTMENT

S4 19 Cr. 808 (VEC)

(18 U.S.C. §§ 1028A, 1343, 1344, 1349,
2312, and 2.)

AUDREY STRAUSS

United States Attorney


Foreperson

TRUE BILL, 4th SUPERSEDING INDICTMENT.
MAG RW LEHRBURGER.

8/4/2021
AS.